

**BOARD OF COUNTY COMMISSIONERS
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

SEPTEMBER 22, 2015

PRESENT:

Marsha Berkbigler, Chair
Kitty Jung, Vice Chair
Vaughn Hartung, Commissioner
Jeanne Herman, Commissioner
Bob Lucey, Commissioner

Nancy Parent, County Clerk
John Slaughter, County Manager
Paul Lipparelli, Legal Counsel

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

15-0812 **AGENDA ITEM 3** Public Comment.

The following individuals spoke regarding their opposition to the proposed medical marijuana establishment (MME) on Mount Rose Highway in the Galena Forest: Randy Kirner, Ken Cannata, Patricia Etheredge, Lew Lefcourt, Denice Rasmussen, John Etheredge, Arturo Oti M.D., Cheri Unland, Daryl Di Rocco, Meghan Di Rocco, Janet Jones, Bob Ackerman, Catherine Clark, Pam Campanaro, Pam LanKenau, Mary Mager, Evelyn Emery, Mike Liddiard, Ken Lutz, Tony Almaraz, Debbie Larson, Joan Shubinski, Kathy Dougherty, Bari Caine, Maria Coulson, Illona Mager, Gerard Mager, Tracy Pickett, Shelly Watson, Brian Rasmussen, Karen Mullen, Jimmy Pickett, Amy Kreitlein, Heather Ciesla, Dorothy Miles and David Jones. Handouts were received from Bob Ackerman, Gerard Mager and Brian Rasmussen, which were placed on file with the Clerk.

The above individuals' concerns included: The public not being consulted on the sites, the required impact analysis not being made available to the public, the site should be subject to the Special Use Permit process, public involvement should be required, there were many schools and churches in the neighborhood of the proposed site, children having to pass by the proposed MME on their way to school, MMEs did not belong in any neighborhood and placement should be considered, it was only a matter of time until the site became a recreational marijuana location, it would be an all cash business, there was no commercial infrastructure on the Mount Rose Highway to support the dispensary, the impacts of allowing marijuana sales in Colorado, people hanging around outside the MME to try to buy marijuana, the impact of people buying marijuana

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at the MME and driving on Mount Rose Highway, it might discourage people about relocating to the area, issues with how the ordinance was written, the impact to the traffic on the already dangerous Mount Rose Highway, having a school bus stop located on the same corner as the dispensary, increased crime and general bad behavior in the area, the dispensary being more appropriate near hospitals, the negative impact on property values, medical marijuana should be regulated and obtained from a pharmacy, high school athletes regularly run in the neighborhood, being sold in candy and cookie form, high school kids loitering outside the establishment during their lunch breaks, no protection in the laws already in place, the process was done behind closed doors with no public comment, other businesses could serve the community better, the need to protect children from outside influences, and the moral standard this set when trying to grow a community.

Tim Stoffel spoke about the introduction of additional regulations pertaining to exotic animals. He thought there was no justification for the changes because there had not been any incidents involving any exotic animals in the area. He thought the current regulations were sufficient.

Sam Dehne spoke regarding MMEs and the *Reno Gazette-Journal*.

Jeff Church commented about an incident that occurred at a previous meeting and claimed there had been a lack of security and a violation of the Open Meeting Law. A handout was placed on file with the Clerk.

Jim Galloway spoke about his concerns regarding the proposed sign ordinance. He recommended the Board only submit changes that could be easily amended if they were not effective. Mr. Galloway presented a handout, which was placed on file with the Clerk.

Garth Elliott spoke about the fiscal impacts of labor costs and said he thought the cost of living increase should be less than what was proposed because the County had not yet recovered from the economic downfall.

Steve Pelzer thanked Commissioner Lucey for his continued efforts regarding the MME issues. He said good things were happening in Reno because more people were moving there.

15-0813 **AGENDA ITEM 4** Announcements/Reports.

Commissioner Lucey announced he received information from Hugh Hempel, the owner of the medical marijuana establishment (MME) proposed for the Mount Rose Highway location, stating he cancelled the pending lease with the owner of the property. He said Mr. Hempel would work with staff to find a new location for the MME.

County Manager John Slaughter stated there was a correction to Agenda Item 5F1. He noted the fiscal impact dollar amount changed from \$35,744 to \$36,377.

Commissioner Herman spoke about the flood damage in Lemmon Valley and said there was still more debris that needed to be removed and culverts that needed to be filled.

Commissioner Hartung said he worked with the DUI Task Force to get impaired drivers off the roads. He stated there was a program called 24/7, which required alcohol, and drug offenders to participate in a rehabilitation program and to check in with the counselors multiple times daily. Next, he stated a constituent complained that Senate Bill (SB) 177, which referred to minors in possession of nicotine and nicotine products, had not been enforced since it was enacted in 2013. He asked staff to review the County's obligation under SB 177. Lastly, he received an update from the Regional Transportation Commission (RTC) regarding the road expansion project at McCarran Boulevard and Pyramid Way in Sparks. He said the project would be a huge improvement because it would alleviate traffic congestion at that intersection.

Commissioner Jung requested a safety analysis for the Mount Rose corridor. Next, she wanted the security processes for meetings in the Commission Chambers to be reviewed and asked that recommendations for improvements be brought back to the Board. She thought there should be an approval process for people wanting to use props during a meeting. She asked for an update from legal Counsel or a policy review regarding clapping during meetings. Lastly, she said she would attend the Northern Nevada Transitional Housing Project ribbon cutting event, the Economic Development of Western Nevada (EDAWN) luncheon, the District Board of Health Meeting, the Regional Emergency Medical Services Authority (REMSA) Board meeting, and the Poverty Simulation Workshop at the Food Bank of Northern Nevada.

CONSENT ITEMS (5A THROUGH 5H4).

15-0814 5A Approve minutes of the regular Washoe County Board of Commissioners meetings of August 25, 2015, and September 8, 2015.

15-0815 5B Approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered for the 2012/2013, 2013/2014, 2014/2015 and 2015/2016 secured and unsecured tax rolls and authorize Chairman to execute the changes described in Exhibit A and Exhibit B and direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease \$21,662.15]. Assessor. (Parcels are in various Commission Districts.)

15-0816 5C Accept a Sub-grant Award from the State of Nevada Division of Child and Family Services in the amount of [\$12,000; no County match required] to support child care to non-school aged children of parents residing at the Family Shelter from October 1, 2015 through September

30, 2016; authorize the Department to execute the Sub-Grant Award and direct the Comptroller's Office to make the necessary budget adjustments. Social Services. (All Commission Districts.)

- 15-0817** **5D1** Approve renewal of the Veterinary Clinical Affiliation Agreement between Truckee Meadows Community College and the County of Washoe on behalf of Regional Animal Services for the placement of veterinary technician students at the Regional Animal Services veterinary facility. (All Commission Districts.)
- 15-0818** **5D2** Approve the low cost vaccination program and free pet assistance for senior's program by Washoe County Regional Animal Services to provide low cost pet vaccination services to the general public and free pet assistance to seniors. (All Commission Districts.)
- 15-0819** **5E1** Approve an Interlocal Agreement between the Washoe County Health District and Washoe County for ambient air monitoring stations on various Washoe County properties. (All Commission Districts.)
- 15-0820** **5E2** Approve an Easement Purchase and Sale Agreement and Easement Deed between Washoe County and Truckee Meadows Water Authority for permanent Public Utility Easements totaling 11,400 square feet on APN 019-140-12, commonly known as Washoe Golf Course, [at the appraised value of \$8,217]; and if approved, authorize Comptroller's Office to make the necessary adjustments. (Commission District 1.)
- 15-0821** **5F1** Approve reclassification requests of five Lead Animal Control Officers, pay grade J, to a new classification of Animal Services Field Supervisor, pay grade K, two Animal Services Kennel Assistants, pay grade F, to a new classification of Animal Services Kennel Supervisor, pay grade H, an Animal Services Supervisor, pay grade L, to Program Coordinator, pay grade L, an Office Support Specialist, pay grade H, to Office Assistant II, pay grade E (Regional Animal Services); a Fiscal Compliance Officer, pay grade N, to a new classification of Fiscal Cost Allocation Officer, pay grade Q (Social Services); a Technology Systems Administrator Specialist, pay grade O, to Technology Systems Administrator II, pay grade LM (Technology Services); an E-Government Information Officer, pay grade N, to a Media and Communications Specialist, pay grade N (Manager's Office), as evaluated by the Job Evaluation Committee; and elimination of unused or obsolete job classifications as listed in Exhibit 1. [Net Annual cost is estimated at \$35,744]. (All Commission Districts.)
- 15-0822** **5F2** Approve additional pays for Assistant Alternative Sentencing Officers, Assistant Alternative Sentencing Officer Supervisor and Chief Alternative Sentencing Officer July 1, 2015 to include a \$250/quarter

uniform allowance, \$125/quarter safety equipment allowance, one time only \$525 towards the purchase of a weapon, and a five percent (5%) Field Training Officer differential while assigned duties specifically related to a Field Training and Evaluation Program. [FY 15/16 fiscal impact is estimated at \$23,045]. (All Commission Districts.)

- 15-0823** 5F3 Approve a 3% Cost of Living Adjustment in base wage effective July 1, 2015, an increase in weekly compensation for employees on scheduled crime consultation duty from \$750/\$800 to \$1,000/\$1,250, and weekly standby pay from \$300 to \$500 for Team Chiefs/designees for the Confidential Attorneys commensurate with the recently negotiated agreement with the Washoe County Public Attorneys Association (WCPAA). [FY 15/16 fiscal impact is estimated at \$86,877]. (All Commission Districts.)
- 15-0824** 5F4 Approve the Collective Bargaining Agreements with the Washoe County Nurses' Association (WCNA) for the Non-Supervisory and Supervisory bargaining units for the period July 1, 2015 through June 30, 2016; ratify same: a 3% Cost of Living Adjustment in base wage effective July 1, 2015; and modified language to the Duration of Agreement. [FY 15/16 fiscal impact is estimated at \$71,531]. (All Commission Districts.)
- 15-0825** 5G1 Approve Amendment #1 Sub-Grant Agreement between Washoe County and Northern Nevada Food Bank to extend the term to December 31, 2015. (All Commission Districts.)
- 15-0826** 5G2 Accept a 2015 Nevada State Emergency Response Commission, Hazardous Materials Emergency Preparedness Training grant [\$8,580, no County match required], retroactive for the period of August 27, 2015 through October 30, 2015 and if accepted, direct Comptroller's Office to the appropriate budget adjustments. (All Commission Districts.)
- 15-0827** 5H1 Approve acceptance of reimbursement costs [up to \$30,000, no match required] for overtime and other expenses incurred by deputies assigned to work with the U.S. Immigration and Customs Enforcement Homeland Security Investigations (ICE-HSI) Regional Gang Unit. Funds are available retroactively for the period of 09/01/2015 – 09/01/2016. If approved, direct the Comptroller's Office to make the necessary budget adjustments and authorize the Sheriff to execute the Agreement Between Federal Law Enforcement Agency Participating in the Treasury Forfeiture Fund and State or Local Law Enforcement Agency for the Reimbursement of Expenses in Joint Operations. (All Commission Districts.)
- 15-0828** 5H2 Approve the Joining Forces 2016 grant from the Nevada Office of Traffic Safety (OTS) to cover overtime costs related to conducting Traffic Enforcement Checkpoints and events and for limited travel expenses,

[\$123,100, no cash match required, 25% in-kind match required] for the grant term of 10/1/15 through 9/30/16 and if approved, direct Comptroller's Office to make the necessary budget adjustments. (All Commission Districts.)

15-0829 **5H3** Approve Joining Forces 2015 supplemental grant funds from the Nevada Office of Traffic Safety (OTS) to cover overtime costs related to conducting Traffic Enforcement Checkpoints and events, [\$12,397.17, no cash match required, 25% in-kind match required]. Grant term is retroactive to 10/1/14 through 9/30/15 and if approved, direct Comptroller's Office to make the necessary budget adjustments. (All Commission Districts.)

15-0830 **5H4** Authorize three (3) unfunded Communication Specialist Trainee positions to be utilized for the training of specialists for attrition preparation and planning; and if approved, authorize Human Resources to make the necessary adjustments. (All Commission Districts.)

There was no public comment on the Consent Agenda Items listed above.

On motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Consent Agenda Items 5A through 5H4 be approved with the corrected impact dollar amount of \$36,377 for Agenda Item 5F1. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 5A through 5H4 are attached hereto and made a part of the minutes thereof.

15-0831 **AGENDA ITEM 8** Appearance: Sparks City Councilman Ron Smith Kristopher Dahir. Presentation regarding the Nevada Veterans Memorial. (All Commission Districts.) Requested by Commissioner Hartung.

Kristopher Dahir, Vice Chairman Nevada Veterans Memorial gave a PowerPoint presentation about the Nevada Veterans Memorial. He stated the memorial was designed to preserve and honor the legacy of fallen soldiers. He said the memorial would be located on the corner of Greg Street and the new Veterans Memorial Bridge in Sparks. He remarked it would honor 838 Gold Star Veterans from Nevada who gave their lives serving the Country and said it would honor any future fallen soldiers. He said money was raised for the building fund by selling "forever" bricks, which would be placed within the memorial. He noted the bricks would sell for \$100, \$250 and \$500 and would depict the name of a donor, an honoree or a company. He also noted a benefit dinner would be hosted on September 25th and the proceeds would go to the building fund as well. He stated the memorial was designed to represent Nevada with 17 trees representing the number of counties, six benches representing the Branches of the Military and three flags representing the United States, the State of Nevada and the Nevada Veterans Memorial. He shared the bricks would be placed at a 36-degree angle, the granite bands would be 36 inches wide and the commemorative brick plazas would be 36 feet long, all representing Nevada as the 36th state. He encouraged the Board to view

the plans, purchase benefit dinner tickets, purchase “forever” bricks or to donate by visiting the website at www.nevadaveteransmemorial.org.

Chair Berkgigler and Commissioner Hartung congratulated Mr. Dahir on the Nevada Veteran’s Memorial Project.

There was no public comment or action taken on this item.

15-0832 **AGENDA ITEM 7** Appearance: Thor Dyson, Nevada Department of Transportation (NDOT). Presentation regarding Debris Removal Program. (All Commission Districts.) Requested by Commissioner Jung.

Thor Dyson, District Engineer Nevada Department of Transportation (NDOT) conducted a PowerPoint presentation about the Debris Removal Program. He stated trash and debris were big concerns in Washoe County. He said between March of 2014 and March of 2015, his crews picked up 3,227 cubic yards of trash and debris. He noted that being shorthanded meant there were many overtime hours spent picking up garbage. He explained he had two different crews. The maintenance crew primarily worked on the roads and the specialty crew worked on snow plowing in the fall and winter; and weed spraying and abatement in the spring and summer. He noted both crews assisted with debris removal but the specialty crews did the majority of the trash and debris clean up. He said he sometimes utilized prisoners who were in the “honor” camp to assist with clean-up work. He commented that homeless camps were an issue because the Nevada Revised Statute stated a 72-hour notice had to be posted before clean-up could take place. The crew requested law enforcement officers to be present during the clean-up to reduce bodily risk to the workers. He said there were many hazards involved with the clean-up of a homeless camp including hypodermic needles, fecal matter and other hazardous materials. Besides trash, he stated his crews dealt with graffiti abatement. They worked closely with the cities and the County to keep graffiti under control. He commented from March of 2014 to March of 2015, his department spent \$25,000 for graffiti removal. He stated areas of concern could be reported to any of the following numbers, NDOT Debris Removal Program at 775-834-8300, NDOT Headquarters at 775-888-7000 or Reno Direct at 775-334-4636.

Commissioner Hartung thanked Mr. Dyson for his presentation and acknowledged the difficult responsibility garbage removal was. He asked Mr. Dyson whether Highway 447 going towards Gerlach was his responsibility and if so, was his team responsible for clean up after Burning Man. Mr. Dyson replied it was within his area of responsibility and after the first few years of Burning Man, the garbage was colossal along the 72-mile stretch from Wadsworth to Gerlach. He said he talked to the people from Burning Man, who were very helpful, and sent out waves of people to pick up the garbage over the entire stretch of highway. He said that every year he videotaped the road before, during and after Burning Man to ensure they did their due diligence. Commissioner Hartung stated that was not what was communicated to him, but he was glad it was not an issue. Mr. Dyson said there were some issues with abandoned vehicles

this year and if they were determined to be a safety hazard, they were towed away immediately.

Commissioner Jung asked whether there was a regular clean-up schedule. Mr. Dyson replied there was not a regular schedule because there was not a specified clean-up crew to perform regular work. He stated he had to pull from the existing road crews and he even picked up garbage himself when needed. Commissioner Jung commented that the area next to the I-80 westbound off-ramp close to the County offices was always debris-filled. She stated she had seen the area being cleaned, but it did not take long to be debris-filled again. She wondered whether enforcement could assist with keeping sites clear. She stated another chronic area was I-580 northbound at the Clearacre exit where both sides were constantly debris-filled. She asked how closely crews worked with the Nevada Highway Patrol (NHP) and other enforcement agencies. Mr. Dyson replied the NHP was shorthanded also, but if they saw a truck with garbage flying out of it, they would issue a citation for littering. He stated littering was a community problem. Commissioner Jung encouraged residents to contact legislators to request additional jobs to help with litter and trash enforcement. She stated she would contact the Sheriff's Office to inquire if any special clean-ups could be organized.

Commissioner Lucey thanked Mr. Dyson for his presentation. He stated he and Commissioner Hartung sat on the Regional Transportation Commission (RTC) and that funding and staffing shortages were constantly an issue. He agreed with Commissioner Jung about contacting the legislators because there were fights over funding between northern and southern Nevada. He said the majority of funding was going to Clark County and the rest of the State's funding was split between the remaining counties. He noted the funding did not grow much from year to year and Clark County was constantly asking for more.

There was no public comment or action taken on this item.

BLOCK VOTE (9, 10, 11, 12, 13, 14, 15 and 16)

15-0833 AGENDA ITEM 9 Recommendation to approve the Collective Bargaining Agreements with the Washoe County Employees Association (WCEA) for the Non-Supervisory and Supervisory bargaining units for the period July 1, 2015 through June 30, 2016; ratify same: a 3% Cost of Living Adjustment in base wage effective July 1, 2015; updated language regarding job classification, pay grades and out of class assignments; and modified language to the Terms of Agreement. [FY15/16 fiscal impact is estimated at \$3,312,981]. Human Resources. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 9 be approved.

15-0834 **AGENDA ITEM 10** Recommendation to approve the Collective Bargaining Agreement with the Washoe County Sheriff's Deputies Association (WCSDA) for the period of July 1, 2015 through June 30, 2016; ratify same: a 2.5% Cost of Living Adjustment in base wage effective July 1, 2015; add weekend holiday pay provisions with a flat rate compensation of \$250 for eligible holidays; increase ballistic vest allowance from a not to exceed amount of \$800 to \$1,100; other non-monetary language modifications; and if approved, authorize Chair to execute Collective Bargaining Agreement upon completion. [FY 15/16 fiscal impact is estimated at \$1,184,959]. Human Resources. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 10 be approved and authorized.

15-0835 **AGENDA ITEM 11** Recommendation to approve a 2.5% Cost of Living Adjustment for the Confidential Undersheriff, Chief Deputy Sheriffs, and Supervisory Deputies effective July 1, 2015. [FY 15/16 fiscal year impact is estimated at \$269,418]. Human Resources. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 11 be approved.

15-0836 **AGENDA ITEM 12** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the installation of a new roofing system for the 1 S. Sierra Roof Replacement Project [staff recommends D & D Roofing and Sheet Metal, Inc. in the amount of \$294,750]; and if awarded, approve the purchase of roofing materials for the 1 S. Sierra Roof Replacement Project from Garland, DBS [in the amount of \$293,434.94] utilizing Cobb County Georgia Bid No. 14-5903 pursuant to the joinder provision of NRS 332.195; and direct Comptroller's Office to make the necessary budget adjustments. Community Services. (Commission District 3.)

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12 be awarded, approved and directed.

15-0837 **AGENDA ITEM 13** Recommendation to award a bid and approve the Agreement to the lowest, responsive, responsible bidder for the North Valleys Regional Park Playground Rehabilitation project [staff recommends Garden Shop Nursery, Landscape Division in the amount of \$209,995]; and if approved, direct Comptroller's Office to make the appropriate budget adjustments. Community Services. (Commission District 5.)

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 13 be awarded, approved and directed.

15-0838 **AGENDA ITEM 14** Recommendation to approve an Interlocal Agreement for the Construction and Management of Stormwater Facilities for the Protection of the Highland Canal between Washoe County, City of Reno and Truckee Meadows Water Authority. Community Services. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 14 be approved. The Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

15-0839 **AGENDA ITEM 15** Recommendation to approve an Agreement Regarding November 2002 State Question 1: Parks and Open Space Bond Issue – Truckee River- Truckee River Management Plan-One Truckee River Initiative Phases I, II and III-Project Funding [\$175,000-State Question 1 Truckee River Bond Funds] between Washoe County and Nevada Land Trust; and authorize Comptroller's Office to make the appropriate budget adjustments. Community Services. (Commission Districts 2 and 3.)

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 15 be approved and authorized.

15-0840 **AGENDA ITEM 16** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Sun Valley – West Second Avenue Sidewalk Project, [staff recommends Spanish Springs Construction, Inc. in the amount of \$396,444]. Community Services. (Commission District 3.)

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 16 be awarded and approved.

15-0841 **AGENDA ITEM 21** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.

12:41 p.m. On motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that the meeting recess to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

2:08 p.m. The Board reconvened with all members present.

15-0842 **AGENDA ITEM 17** Discussion and possible direction on Medical Marijuana Establishment regulations within Washoe County Chapter 25 to include compliance with the State Law changes resulting from the 2015 Nevada State Legislative Session, and an update on Medical Marijuana Establishments and related matters within Washoe County. Upon direction from the Board on any regulation changes, staff will return with a County Code initiation request. (All Commission Districts)

Kevin Schiller, Assistant County Manager, indicated that in the 2015 Nevada State Legislature two bills were passed that affected the County medical marijuana establishment (MME) regulations. He stated Senate Bill (SB) 276 amended the current five-mile restriction for the relocation of any MME and allocated a sixth medical marijuana dispensary to unincorporated Washoe County; and Assembly Bill (AB) 70 enabled the County to recover costs related to inspections, reviews and other related tasks. He said staff proposed that Washoe County Code (WCC) Chapter 25, Section 3, pertaining to relocation of an MME, be amended to include requirements that a MME owner must apply to the Board for any new proposed location. He noted the proposed location must satisfy the regulatory zone requirements for an MME. He indicated the relocation application would require proper notice and a public hearing. He said the sixth medical marijuana dispensary would be located on Highway 395 in Washoe Valley. He indicated the proposed amendment to AB 70, Section 29, would require an MME owner to pay for the cost of inspections and reviews within 30 days from the date the work was performed or receive a penalty of \$500 and the possibility of denial or revocation of the business license.

Chair Berkbigler stated the testimonies she heard indicated people were opposed to the location of the proposed MME, but many of the testimonies were opposed to any MMEs in Washoe County. She asked Mr. Schiller what percentage of voters were in favor of medical marijuana. Mr. Schiller indicated over 60 percent of voters were in

favor. Chair Berkbigler thought many constituents were not aware that there was a vested population who voted in support of medical marijuana.

Commissioner Lucey asked about the issue of reciprocity and if it had to be dealt with at the legislative level and could be addressed in the next legislative session. Mr. Schiller replied reciprocity was a concern and there could be a lobbying platform related to potential changes within Nevada Revised Statute 453A specific to reciprocity. Commissioner Lucey stated that he did not know where the recreational marijuana issue was going, but staff could be directed to develop a code that would be more restrictive. Commissioner Lucey thanked Mr. Schiller for all the work he had done.

Commissioner Hartung thought it was a great idea to have restrictions on where MMEs could be located. He thought stating industrial and commercial areas would be the only approved areas might solve the issue of proximity to schools and residential areas.

Commissioner Jung stated in the medical marijuana work groups they looked at zoning extensively. She said if there were proposed locations in neighborhood commercial areas, there needed to be a notification process in place. She noted utilizing Special Use Permits was not advisable, because the permits stayed with the property not the owners of the businesses. She said she would like Mr. Schiller to come back with options. She thought the public was not aware that the County had been working on the proposal for two years. She thought if neighborhood commercial properties were considered for MME locations, then a process requiring developers to pay postage to notify the people directly adjacent to an area, and to give them an opportunity to speak at a public hearing, would be appropriate. Mr. Schiller stated the specifics on neighborhood impacts, neighborhood notification and proximity to school bus stops and schools would be brought back to the Board by staff.

Commissioner Hartung asked if there was a way to connect the owner to a specific license rather than to the property, much like a gaming license. He requested staff to bring back options.

Commissioner Lucey questioned whether a business license could be held until a public hearing took place so the public would have the chance to voice concerns before a license was issued. Mr. Schiller stated they would review the concerns and bring back multiple options to the Board within the next month.

Chair Berkbigler questioned whether there were any other approved MME property locations on Mount Rose Highway. Mr. Schiller stated he would have to check the map, but he thought there were not. Chair Berkbigler wanted to see increased security requirements around the facilities and asked staff to come back with a list of mandatory requirements. She stated the County needed to ensure that medical marijuana was not consumed on the property of an MME. She asked if it was true there were two proposed locations approved for Crystal Bay and Mr. Schiller said he understood it was two. Chair Berkbigler stated as the representative for the town of Incline Village and Crystal Bay,

she was completely opposed to having three MMEs in that very small community and she wanted a review of the regulations to determine if was possible to prohibit at least two of those facilities. She stated she would request that Incline Village be a non-recreational marijuana zone. She asked Mr. Schiller to include that with the information he had been requested to bring back to the Board.

On the call for public comment, Brian Rasmussen spoke regarding MMEs. He stated he would support the Board to look at ordinances that were more restrictive and the elimination of neighborhood commercial areas for MME locations. He wanted to understand how the State determined what MME applications were approved.

Susan Morrison spoke in opposition to medical marijuana. She thought the vote to approve medical marijuana was misleading and she did not want MMEs in the community. She stated there needed to be a method to report people who were selling their medical marijuana. She wanted the Board to recommend that automatic conversion to recreational marijuana be prohibited.

Kimberly Gomez stated her concerns about people obtaining a medical marijuana card that were truly not in need of such medication. She said the vote for medical marijuana use was for the critically ill and she did not realize it would involve actual MMEs in the community.

Karen Mullen spoke regarding scenic corridors. She was in favor of the elimination of neighborhood commercial zoning for MMEs. She was concerned about the average daily trips on Mount Rose Highway in the vicinity of the prior proposed site for the MME. She noted she was looking for the MME solutions to be long term and sustainable.

Cathy Brandhorst spoke about matters of concern to herself.

Ed Alexander spoke in favor of MMEs. He indicated there was not a difference between most neighborhood commercial centers, which had liquor stores and smoke shops, and he thought marijuana was being treated differently. He was opposed to eliminating neighborhood commercial zoning for MMEs because it would limit the amount of locations available.

On motion by Commissioner Lucey, seconded by Commissioner Jung, which motion duly carried, it was ordered that staff come back with information and options for zoning, a budget overview, a review of codes and the availability of approved MME properties.

3:13 p.m. The Board convened as the Truckee Meadows Fire Protection District (TMFPD) and the Sierra Fire Protection District (SFPD) Board of Fire Commissioners.

15-0843 AGENDA ITEM 6 Truckee Meadows Fire Protection District and Sierra Fire Protection District--see separate Notice of Joint Meeting and Agenda.

3:24 p.m. The Board adjourned as the TMFPD/SFPD Board of Fire Commissioners and reconvened as the Board of County Commissioners.

15-0844 AGENDA ITEM 18 Public Hearing and possible action to determine whether consolidation of Truckee Meadows Fire Protection District with Sierra Fire Protection District is feasible and in the best interests of the County and Districts. Truckee Meadows Fire Protection District.

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said ordinance. There being no response, the hearing was closed.

Chair Berkbigler asked when the consolidation would be complete.

Truckee Meadows Fire Protection District Chief Charles Moore stated most of work that needed to be completed was software and programming. He stated the planning would start around February 2016.

Paul Lipparelli, Legal Counsel, stated that Assembly Bill (AB) 333 was the legislative act that authorized the consolidation of fire districts. The legislature mandated that the final act to accomplish this would be the adoption of the ordinance, which had not yet been brought forward. He stated the planning and consolidation process involved budgets and the transfer of property. He said it was proper to open the public hearing to accept any objections to the consolidation, then the ordinance would be presented for approval in a few months.

On motion by Commissioner Lucey, seconded by Commissioner Herman, which motion duly carried, it was ordered to direct staff to take the necessary steps to complete the consolidation no later than June 30, 2016.

15-0845 AGENDA ITEM 19 Introduction and first reading of an ordinance amending the Washoe County Code (Chapter 60 – Fire Code) to adopt a new Section 5601.1.6 within the International Fire Code Chapter 56: Explosives, of Washoe County Code Chapter 60, containing provisions that amend the 2012 Edition of the International Fire Code, and if supported direct staff to set a second reading and possible adoption of the ordinance. Truckee Meadows Fire Protection District. (All Commission Districts.)

The Chair opened the public hearing.

Nancy Parent, County Clerk, read the title for Bill No. 1748.

Truckee Meadow Fire Protection District (TMFPD) Fire Marshal Amy Ray stated the TMFPD enforced the 2012 amendment adoption proposed to eliminate the sale, use and manufacture of binary exploding targets within the County in 2013. The Board requested that the provision not be adopted. She stated there were five jurisdictions that bordered the County that currently prohibited the sale of the targets. She mentioned some of the businesses in the areas continued to stock the targets. The TMFPD proposed limited use to private property and licensed gun facilities. She indicated the intention was not to ban the use of the binary targets, but to provide a safer environment for the use of them.

TMFPD Fire Chief Charles Moore stated that in the past three years he had personally seen the binary targets start fires. He said if someone wanted to shoot the binary targets on private property, on an area could be cleared, they could apply for a permit.

On the call for public comment, Cathy Brandhorst spoke about matters of concern to herself.

Bill No. 1748 was introduced by Commissioner Hartung, and legal notice for final action of adoption was directed.

The Chair closed the public hearing.

3:40 p.m. The Board recessed.

6:00 p.m. The Board reconvened with all members present.

15-0846 **AGENDA ITEM 20** Introduction and first reading of an ordinance amending Chapter 110, by changing Article 500 - Signs: Title and Contents; to remove Article 502 - Billboard Regulations and Article 504 - Sign Regulations and to adopt a new Article 505 (Sign Regulations); and if supported, set the public hearing for second reading and possible adoption of the ordinance on October 13, 2015 at 6:00 p.m. (All Commission Districts.) **Item continued from August 25, 2015 Commission meeting.**

Nancy Parent, County Clerk, read the title for Bill No. 1749.

The Chair opened the public hearing by calling on anyone wishing to speak for or against the proposed ordinance.

On the call for public comment, Mark Wray spoke on behalf of Scenic Nevada regarding the proposed changes. He stated they only had three requested changes to the proposed ordinance: to restore the billboard definition, to remove the Regional, Recreational, Travel and Tourism (RRTT) category and to replace the brightness proposal. He presented a PowerPoint presentation, which included the top five myths of

the Washoe County draft sign code: billboards were prohibited, standard definitions of business signs and billboards must be removed, RRTT designation met the County goal of economic development, the County was controlling brightness limits and that there was broad public support for draft code.

Phillip Povey spoke in support of Scenic Nevada. He stated he would like to keep billboards out of the area. Mr. Povey presented a handout of his concerns, which was placed on file with the Clerk.

Anthony Domoe spoke in support of less billboards, less brightness from lights and noted how he enjoyed the dark of night in Verdi.

Sue Smith stated as a commercial real estate agent, she had never had anyone come to town because they wanted a big sign. She was in support of the changes that Scenic Nevada presented. She stated the vote was very important to the community because the ordinance would be in effect for many years.

Berry Hall spoke regarding the complexity of the ordinance. She stated people did not want to see more signs. She was in support of Scenic Nevada's proposed changes.

Lori Wray spoke regarding how often the message changed on the digital signs and how bright they were. She was in favor of the timing of the digital displays going from 20 seconds to 8 seconds. She stated that Sparks was the only city that was sticking to their original sign regulations. Ms. Wray submitted several handouts, which were placed on file with the Clerk.

Jennifer Kaufman spoke in opposition to the proposed sign regulations. She stated she spent many hours driving scenic roads and she thought changing the regulations could jeopardize the natural beauty of the State. She said the Wild West Motorsports Park had many other options for advertising, but huge, bright signs would reduce the beauty of that area.

Ron Nicholson spoke in opposition to the proposed regulations. He said as a pilot, the bright lights made it very difficult for him to navigate near the airport.

Karen Munson thanked staff for all the hours put in to this issue. She thought the timing of the digital displays on the signs should change to 8 seconds because 20 seconds was too long. She stated the brightness standards were based on foot-candles but she had not seen anything that referred to the brightness levels.

Janice Flanagan spoke in opposition to more billboards. She stated that flashing lights on the signs were a concern and the signs were too bright. She said Scenic Nevada was doing a great job.

Lyn Hawkins spoke in opposition to any new billboards. She was in favor of the proposal presented from Scenic Nevada. She stated billboards were obsolete and all the information for a business was online, so there was no need for big signs.

John Hara stated the purpose of a strong sign code was that it was meant to be consistent for all businesses. He said other cities signs were low to the ground and nonintrusive. He stated the City of Reno Planning Commission meeting regarding sign regulations went through each code and they were very thorough. He would like to see this proposal process work as the City of Reno's did. Mr. Hara submitted a handout, which was placed on file with the Clerk.

William Naylor did not support the proposed regulations. He stated the amount of visitors to the Wild West Motorsport Park was not enough to warrant changing the RRTT category. He said he did not support limiting the public's voice with the changes.

Kathy Bohall stated Nevada had so much scenic beauty and the signs took away from that. She strongly supported Scenic Nevada.

Tray Abney spoke about concerns related to the proposed changes in sign regulations. He stated his concerns, which included sign brightness, size, the time between sign images, the transition method and the transition duration. He urged the Board to revisit the proposed regulations. Mr. Abney submitted a handout, which was placed on file with the Clerk.

Lea Tauchen spoke in opposition to on-premise electronic message display signs. She said digital signage was a viable and effective way to communicate with the public and as technology evolved and more and more retailers were using digital signs to create an impact with potential customers.

Jim Galloway spoke in opposition to additional advertising signs. He stated there seemed to be serious differences of opinion regarding this issue.

Brian Reeder thought the draft was a great start. He said there were still many concerns but he felt the regulations were going in the right direction. He was in favor of businesses being permitted to advertise on billboards and signs.

Gary Houk stated that the Nevada Department of Transportation (NDOT) had spent millions of dollars over the past several years on the zero fatalities program, of which 7 percent had been for distracted driving. He said they estimated reading a text message took between three and five seconds and that the fine for texting while driving was \$100. He did not understand how the County could allow more billboards, which would create more distracted driving.

Commissioner Herman told a story about Raymond "Pappy" Smith, who placed signs all over the United States that said "Harold's Club or Bust". She stated the

signs created the community and businesses. She said that business had been tough over the past few years and she thought that businesses needed a little help with advertising. She thought staff had done a good job on bringing forward a workable solution.

Commissioner Hartung asked Bill Whitney, Director of Planning and Development, whether there were requests in the past for changes to the sign regulations in Spanish Springs. Mr. Whitney stated that recently there was an issue in the shopping centers because the sign code was difficult, hard to interpret, and was not clear. He said the businesses would come in with a depiction of the sign they wanted and staff would try to accommodate them, but it was difficult. Commissioner Hartung asked whether the proposed changes were comparable to Reno and Sparks' regulations. Mr. Whitney stated they tried to standardize the code as much as possible, but it was generally more restrictive. He stated the direction they had received was that the unincorporated County was more suburban and in cases more rural than the cities, so the sign code needed to be more restrictive. Commissioner Hartung stated this was not determined without thought and input and there had been many meetings about what the proposal should include. Commissioner Hartung asked in regards to the RRTT designations, how many people in the County would be eligible for them. Mr. Whitney replied there were three areas that would be eligible; the I-80 east corridor, Cold Springs and out towards Wadsworth exit. Commissioner Hartung asked with respect to RRTT signs, could anyone submit an application for them or was it by special use. Trevor Lloyd, Senior Planner, replied that any requests for RRTT type sign would require an application for a special use that would need to be approved by the Board. Commissioner Hartung asked what the advantage was to use foot-candles as opposed to lumens for brightness measurement. Mr. Lloyd replied that foot-candle was a measurement of brightness above the ambient level and the recommended measurement would be .3 foot-candles above ambient. He stated measuring foot-candles was a more consistent standard and easier to maintain than lumens were.

In response to Commissioner Jung Mr. Lloyd stated each sign would have a sensor that would not allow it to exceed .3 foot-candles and an engineer would calibrate and provide a statement of the maximum brightness. Commissioner Jung questioned legal counsel regarding disallowing the use of off-premise signs and asked if the County could remove the sign or if that would be legal issue of taking someone's property. Paul Lipparelli, Legal Counsel, stated the Fifth Amendment protected against the taking of property without just compensation. Commissioner Jung stated she had not been in support of this issue from the beginning. She said her number one concern was for the constituents who had stated for many years the opposition to more billboards.

Commissioner Lucey thought staff had done an adequate job, but in his opinion, some of the codes were still very restrictive. He brought up that the Reno Arch was a bright illuminated sign that had been around for many years and lights were part of the city's heritage. He agreed he would like the display timing on the digital signs to be 8 seconds. He also stated in the past he had an issue getting an electric sign on his own property, but the sign had helped his business. He stated he was still in support, but thought the proposal could use some more work.

Chair Berkbigler asked whether a business owner who owned multiple businesses could advertise both businesses on each sign. Mr. Lloyd stated they would be limited to the size of the sign but not the content. He also stated there was nothing in the proposal that would change current code for on-premise signs. He said an on-premise sign allowed any message that furthered the business for any person on the property. Chair Berkbigler continued to have concerns about RRTT signs and about signs being content neutral. She stated she could not support this plan the way it was proposed, but noted there were items in the proposal that she knew were needed.

Paul Lipparelli stated his advice to make the proposed changes before the bill was introduced and the second reading took place, because if they made significant changes after the introduction they would have to start over.

Chair Berkbigler recommended to direct staff to revise the proposed regulations with the recommended changes to include more definition of sizes and types of billboards and to bring it back to the Board.

Commissioner Jung thought that was a great starting point and perhaps staff could look at removing the ability for property owners to create a revenue stream by selling sign advertisements for off-premise signs. She thought the sign advertising should only be for the business where the sign was located.

Commissioner Hartung thought staff had done a great job and he was ready to move forward with the plan as proposed. He was not in favor of sending it back to staff to loosen the rules as opposed to tightening them.

Commissioner Lucey stated he would like to see the proposal go back to staff because he thought it needed more work.

Commissioner Hartung stated he would agree to have staff revisit the proposed changes to accommodate the requested changes.

Chair Berkbigler stated she did not want the regulations to be any looser, but she thought they did need to be refined. She said the Board was committed to work with staff on the issues.

Mr. Whitney stated the proposed plan would need to go back to the Planning Committee.

On motion by Commissioner Lucey, seconded by Commissioner Jung, which motion duly carried, it was directed for the proposal to be sent back to staff back to revisit the concerns of the standards for electronic message displays (EMDs), properties adjacent to 4 lanes versus 2 lanes, the 8 second display timing on digital signs, possible locations of EMDs, definitions on sign sizes and prohibiting the creation of revenue streams for sign advertising.

15-0847 **AGENDA ITEM 23** Public Comment.

Cathy Brandhorst spoke about matters of concern to herself.

Jim Galloway complimented Chair Berkbigler and Commissioner Jung for answering to the sign regulation questions.

15-0848 **AGENDA ITEM 24** Commissioners'/Manager's announcements, reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to. Requests for information, topics for future agendas and any ideas and suggestions for greater efficiency, cost effectiveness and innovation in County government. (No discussion among Commissioners will take place on this item.)

Chair Berkbigler requested a presentation in regards to Dillion's rule.

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7:34 p.m. There being no further business to discuss, on motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, the meeting was adjourned.

ATTEST:

Pending Board Approval

MARSHA BERKBIGLER, Chair
Washoe County Commission

NANCY PARENT, County Clerk and
Clerk of the Board of County Commissioners

*Minutes Prepared by:
Doni Gassaway, Deputy County Clerk*